

Message Text

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ACTION ACDA-10

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 IO-13 EB-08 NRC-05 OES-06 ERDA-05
/103 W

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R 201107Z MAR 77
FM AMEMBASSY ABU DHABI
TO SECSTATE WASHDC 5794

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E.O. 11652: N/A
TAGS : PARM, TC
SUBJECT : NPT ADHERENCE

REF: (A) STATE 56727, (B) ABU DHABI 197

1. DCM CALLED ON TAJ AL-SIR HAMZA, DIRECTOR LEGAL AFFAIRS, MIN FOREIGN AFFAIRS, MARCH 20 TO RENEW DISCUSSIONS ON NPT ADHERENCE IN LIGHT INFO CONTAINED REF A. DCM OPENED DISCUSSION BY OUTLINING DISTINCTION BETWEEN TWO STEP PROCESS PRIOR TO TREATY'S ENTERING INTO FORCE VERSUS ONE STEP ACCESSION PROCESS AT THIS POINT. LATTER MADE ISSUE OF RATIFICATION IRRELEVANT. HAMZA ACKNOWLEDGED THAT A NUMBER OF STATES, INCLUDING US, TOOK VIEW THAT ACT OF ACCESSION WAS ALL THAT WAS REQUIRED TO MAKE TREATY FULLY BINDING. BUT HE WENT ON TO NOTE THAT THIS VIEW WAS NOT SHARED BY ALL STATES-- THAT SOME FOLLOWED PROCEDURE WHEREBY RATIFICATION WAS STILL REQUIRED TO MAKE TERMS OF TREATY LEGALLY BINDING. IT WAS TO MAKE IT SPECIFICALLY CLEAR THAT THIS WAS UAE VIEW, THAT THREE WORDS "SUBJECT TO RATIFICATION" HAD BEEN INCLUDED
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IN ITS PROPOSED INSTRUMENT OF ACCESSION. UAEG ALSO WISHED TO BE PERFECTLY FRANK THAT IT HAD NO INTENTION OF TAKING THIS NECESSARY SECOND STEP UNTIL POLITICAL FACTORS CHANGED. IN SHORT IT WAS PREPARED TO MAKE GESTURE OF SUPPORT TO PRINCIPLES OF NPT, IT WOULD MAKE MORAL COMMITMENT, BUT IT WOULD RESERVE LEGAL FREEDOM ON ACTION.

2. DCM EXPRESSED SURPRISE THAT THERE SHOULD BE INTERNATIONAL DIFFERENCE OVER WHAT CONSTITUTED ACT MAKING A TREATY LEGALLY BINDING. DID THIS NOT UNDERMINE ENTIRE ACCESSION PROCESS? BUT HAMZA REPLIED THAT STATES MADE KNOWN THEIR PROCEDURES AND THIS WAS PUBLISHED SO THAT ALL KNEW EXACTLY WHERE THINGS STOOD.

3. WITH POLITICAL ISSUE CLEARLY STILL THE KEY, DCM TURNED TO LACK OF CONSISTENCY IN POSITION OF ARAB STATES. AGAIN HAMZA WAS READY WITH RESPONSE. HE SAID THAT STATES ON LIST REF A HAD BECOME PARTY TO NPT BEFORE ARAB DECISION NOTED REF B. THIS DECISION WAS ONE TAKEN BY ARAB LEAGUE QUITE RECENTLY, (HAMZA WAS VAGUE AS TO DATE BUT INDICATED IT WAS WITHIN LAST YEAR OR TWO. HE SAID HE THOUGHT ISSUE HAD BEEN PUSHED BY EGYPTIANS, WITH DECISION REFLECTED IN CONSENSUS SHORT OF FORMAL LEAGUE RESOLUTION). HAMZA WAS WELL AWARE OF ACTION TAKEN BY OTHER ARABS, INCLUDING SYRIAN STATEMENT WHICH HE CITED BEFORE DCM HAD CHANCE TO DO SO.

4. GIVEN ABOVE, DCM EXERCISED DISCRETION REF A AND MENTIONED POSSIBILITY OF ACCESSION COMBINED WITH STATEMENT. AGAIN HAMZA WAS AWARE OF THIS POSSIBILITY. (ONCE MORE HE WAS ONE UP, CITING LEGAL POSSIBILITY OF MAKING A FORMAL RESERVATION. LIMITED OFFICIAL USE

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HE NOTED THAT PROBLEM WITH RESERVATIONS OCCURRED ONLY WHEN THEY CHALLENGED BASIC PURPOSE OF TREATY. UAE RESERVATION IN THIS CASE DID NOT MAKE SUCH CHALLENGE--IT JUST DEFERRED FINAL ACTION.) BUT THIS BEGGED QUESTION OF UAE ASSUMING LEGAL COMMITMENT TO NPT TERMS. IF UAE ACCEDED (AND RATIFIED), ANY STATEMENT IT MADE WOULD NOT ABSOLVE IT FROM BEING LEGALLY BOUND.

5. ENTIRE DISCUSSION WAS VERY OPEN AND AMICABLE. HAMZA MADE IT QUITE CLEAR THAT HE WISHED UAE WAS NOT "BOUND" BY ARAB LEAGUE DECISION. HE UNDERTOOK TO MENTION OUR APPROACH AND POINTS THEREIN TO MINSTATE FOR FOREIGN AFFAIRS SAIF GHUBBASH. IF GHUBBASH AGREED HAMZA WOULD READILY DROP HIS THREE WORD RESERVATION AND WOULD SEE NO REQUIREMENT FOR STATEMENT. DCM EXPRESSED APPRECIATION FOR THIS COMMITMENT (AS WELL AS FOR FURTHER LESSON IN INTERNATIONAL LAW).

DICKMAN

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Message Attributes

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